



PATENT
Attorney Docket No. UCSD-04870

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Kenneth W. Wood *et al.*
Serial No.: 09/724,584
Filed: 11/28/00
Entitled: **PLUS END-DIRECTED MICROTUBULE MOTOR REQUIRED FOR CHROMOSOME CONGRESSION**

Group No.: 1642

Examiner: Holleran

NOV 18 2004

TECH. CENTER 1600 2004

TRANSMITTAL LETTER

Director, United States Patent & Trademark Office
c/o Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this correspondence (along with any referred to as being attached or enclosed) is, on the date shown below, being deposited with the U.S. Postal Service in an envelope as "Express Mail Post Office to Addressee" Mailing Label Number EV 460953844 US, addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: November 13, 2004

By: Christine A. Lekutis

Christine A. Lekutis

Dear Sir or Madam:

Transmitted herewith for consideration in this application is:

1. Petition under 37 C.F.R. 1.181 to withdraw holding of abandonment, including attachments as Tabs: A) copy of Response mailed July 12, 2004 to Notice Regarding Drawings; B) copy of Notice Regarding Drawings mailed May 19, 2004; and C) copy of return receipt postcard bearing PTO stamp dated July 14, 2004; and
2. Deposit Account Authorization. Please charge any fees, including any fees necessary for extensions of time or credit overpayment to Deposit Account No. 08-1290. **An originally executed duplicate of this transmittal is enclosed for this purpose.**

Dated: November 13, 2004

Christine A. Lekutis
Registration No. 51,934

MEDLEN & CARROLL, LLP
101 Howard Street, Suite 350
San Francisco, California 94105
415.904.6500



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In re Application of: Kenneth W. Wood *et al.*

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**PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW
HOLDING OF ABANDONMENT**

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ACTION REQUESTED

Applicants respectfully petition the Director to withdraw the holding of Abandonment mailed September 14, 2004, based on evidence that a reply in the form of corrected drawings was timely mailed.

STATEMENT OF FACTS AND EVIDENCE

In Response (copy attached at Tab 1) to a Notice regarding Drawings mailed May 19, 2004 (copy attached at Tab 2) giving a two month time period for reply, Applicants submitted 3 sheets of formal drawings (FIG. 2A and 2B), a petition to accept black and white photographs, a check in the amount of \$130.00 to cover the petition fee, and deposit account authorization, together with a return receipt postcard that expressly listed these items. As evidenced by the return receipt postcard (copy attached at Tab 3), Applicants' Response mailed on July 12, 2004 was received by the Office on July 15, 2004.

POINTS TO BE REVIEWED

The Notice of Abandonment indicated that the instant application was abandoned do to "Applicants failure to timely file corrected drawings as required by, and within the three-month period set in the Notice of Allowability" and that "No corrected drawings have been received." Applicants respectfully submit that the controlling date in this instance was July 19, 2004 (two month time period set forth in the Notice regarding Drawings mailed May 19, 2004), and not the three month time period set forth in the Notice of Allowability. In addition, Applicants submit that the corrected drawings were in fact received by the Office within the period for reply. In view of the above, abandonment of the instant application by the Office was *improper*.

Dated: November 13, 2004



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